

TERMINAL DISCLAIMER TO OBIVATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT

Attorney Docket No.

SVL920010073US1/2305P

In re the application: **James PICKEL and Shivram GANDURI**

Confirmation No: **3927**

Serial No: **10/066,049**

Group Art Unit: **2141**

Filed: **January 31, 2002**

Examiner: **Bayard, Djenane M.**

For: **Method and System for Workload Balancing in a Network of Computer Systems**

The owner, **International Business Machines Corporation**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent No. 6,247,055**, as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent** "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate


1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 47,797

☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Attorney Name	Erin C. Ming, Reg. No. 47,797
Signature	
Date	June 20, 2006
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I hereby certify that this correspondence is being transmitted to Examiner Djenane M. Bayard via USPTO EFS-Web on June 20, 2006	
Type or printed name	Jinny Nguyen
Signature	